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DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference P044641PCT	IMPORTANT DECLARATION	Date of mailing(day/month/year) 21/10/2003
International application No. PCT/NL 03/ 00246	International filing date(day/month/year) 02/04/2003	(Earliest) Priority date(day/month/year) 02/04/2002
International Patent Classification (IPC) or both national classification and IPC		A61B17/00
Applicant BERREKLOUW, Eric		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
- a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
- ☐ the description ☒ the claims ☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:
- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.
4. Further comments:

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan-2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Eva San Miguel
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

In view of the large number and also the wording of the claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and/or conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible. Consequently, no search report can be established for the present application.

The application comprises 58 claims wherein 10 claims are formulated as independent claims defining the following subject-matter:

- a) Assembly comprising a stabiliser and an instrument
- b) An instrument for use with the assembly
- c) An instrument for use with an assembly which is defined in patent NL1018302
- d) A ring prosthesis
- e) A stabiliser head
- f) An adhesive joining accessory
- g) A method for positioning markers
- h) The use of the assembly
- i) A navigation method

The respective independent claims do neither have essential technical features in common nor specific subject-matter can be recognized for which protection is sought. Furthermore, due to the large number of different concepts and possible inventions contained in the set of claims it appears to be impossible to clearly find out for which subject-matter protection is sought.

Claim 26 makes reference to another patent and therefore does not fulfill Article 6 PCT because the subject-matter defined therein is neither fully supported by the description nor is it clear which are its features since they relate to a patent application the contents of which do not form part of the present one.

Moreover, at least some of the method claims contain subject-matter for which an International Preliminary Examining Authority shall not be required to carry out a search (Rule 39.1 (iv)).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.